

Agreement. The Division shall file with the Utah State Engineer an instream flow change application, pursuant to § 73-3-3, Utah Code Annotated, to preserve those flows for their intended purpose. However, the obligation to release water required for instream flows under the Santa Clara Project Agreement shall not be an obligation of the Division, but is an obligation of the Corporation and/or the operator of the Santa Clara Project, pursuant to the Santa Clara Project Agreement.

6. The parties shall cooperate in and do any act or thing and execute any and all instruments or applications required by this Agreement and which are necessary and proper to make effective the provisions of this Agreement.

7. This Agreement shall be effective and enforceable only after all of the following have been accomplished:

(a) The execution of this Agreement by the parties hereto;

(b) The approval of this Agreement has been secured in writing by the Sport Fishery Section of the United States Fish & Wildlife Service;

(c) The Santa Clara Project Agreement (Exhibit B) becomes effective and enforceable as provided for in ¶ 11.0 of the Santa Clara Project Agreement; and,

(d) The funding for the Santa Clara Project has been secured and is available to construct that Project.

8. The Amended Contract of June 10, 1981 (Exhibit A), unless inconsistent with this Agreement, shall remain in full force and effect.